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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

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D. MARK JONES, CLERK  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH, CENTRAL DIVISION	
UNITED STATES OF AMERICA,  Plaintiff,  vs.  STEPHEN PLATO MCRAE,  Defendant.	Case No. 2:16-MJ- <u>555</u> -RTB  <b>SEALED FELONY COMPLAINT</b>  (Magistrate Judge Robert T. Braithwaite)

SEALED

Before Robert T. Braithwaite, United States Magistrate Judge for the District of Utah, appears the undersigned, who on oath deposes and says:

COUNT 1

On or about October 7, 2016, in the Central Division of the District of Utah,  
  
STEPHEN PLATO MCRAE,  
  
the defendant herein, having been convicted of a crime punishable by imprisonment for more than one year, did knowingly possess in and affecting interstate commerce a

firearm, to wit: a Springfield Armory, 30-40 rifle, Model 1898 rifle and associated ammunition; all in violation of 18 U.S.C. § 922(g)(1).

**AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT**

This complaint is based on information obtained through an investigation consisting of the following:

1. I am a Special Agent with Federal Bureau of Investigation (FBI), and have been since 2008. I am currently assigned to the FBI Salt Lake City Division, St. George Resident Agency (RA). As a Special Agent with the FBI, I have participated in and have received training related to the investigation of federal firearm violations, violent crimes, terrorism, weapons of mass destruction, and other criminal matters.

2. I am familiar with the facts and circumstances alleged in this complaint which are based on my review of reports or statements made to me by other law enforcement officers.

3. On or about Wednesday, October 26, 2016, a Confidential Witness (CW), who has provided reliable, corroborated information, provided details about Stephen Plato McRae being in possession of a firearm. Specifically, CW advised law enforcement agents from the Kane County Sheriff's Office and the Federal Bureau of Investigation that McRae had been keeping a blue container (hereafter "Container") in the back of his 1990 Isuzu pickup truck, Washington license plate B90577V. CW observed this container on several occasions in the back of the truck from between approximately September 27, 2016 and October 7, 2016.

4. A criminal history inquiry of Stephen Plato McRae (hereafter McRae) revealed multiple felony convictions which include the following:
  - 1) 05/09/1980 (arrest) – Convicted of Possession of Controlled Substance, felony in Texas
  - 2) 10/22/1981 (arrest) – Convicted of Burglary of Vehicle, felony in Texas
  - 3) 09/25/1983 (arrest) – Convicted of Burglary of a Habitat, felony in Texas
  - 4) 06/19/1984 (arrest) – Convicted of Burglary of Vehicle, felony in Texas
5. On or about October 5, 2016, McRae stated to the CW that he “shot stuff up” in Nevada.
6. On or about October 7, 2016, CW saw McRae remove the blue Container from his Isuzu truck and place it in the basement of 480 West Main Street, Escalante, Utah. More specifically, the blue Container is in the basement of a motel’s front office area. McRae told CW at that time that he kept his rifle in the bottom of the blue Container.
7. On October 2, 2016, CW took law enforcement to 480 West Main Street, Escalante, Utah (where the blue Container containing the rifle was located) and identified it for law enforcement.
8. On or about October 12, 2016, McRae advised CW that his rifle did not have a Scope on it and that he wanted another weapon, such as a “.30-06.” McRae also stated that he purchases ammunition at small retailers to avoid scrutiny from law enforcement and others.

9. On October 28, 2016, investigators executed a federal search warrant to obtain access to, and examine the contents of blue Container. Inside this Container, investigators found a loaded Springfield Armory 30-40 rifle, Model 1898, serial number 3032362. Inside the magazine, at least two rounds were observed from viewing the magazine's contents through the ejection port of the rifle. Additionally, another 16 rounds of unused 30-40 ammunition were found in a separate enclosure inside the Container.

10. On November 1, 2016, Special Agent Tyler Olson from the Bureau of Alcohol, Tobacco and Firearms (ATF) was contacted. SA Olson is an ATF Interstate Nexus Expert and confirmed the Springfield Model 1898, serial number 303262 is considered a firearm according to federal law and was not manufactured in the State of Utah, thereby affecting interstate commerce. SA Olson also confirmed that the ammunition encountered during the search warrant of Container was also not manufactured in the State of Utah, also affecting interstate commerce.

#### CONCLUSION

Based upon the foregoing, Affiant submits that there is probable cause to believe that Stephen Plato McRae has violated 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm/Ammunition.

DATED this 2<sup>nd</sup> day of NOVEMBER, 2016.

  
CHRIS ANDERSEN, Special Agent  
Federal Bureau of Investigation

This Sealed Felony Complaint entitled United States v. Stephen Plato McRae is  
SWORN TO & SUBSCRIBED before me this 2<sup>nd</sup> day of NOVEMBER, 2016.

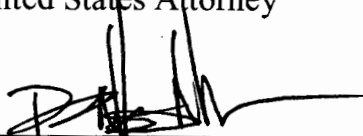


ROBERT T. BRAITHWAITE, Magistrate Judge  
United States District Court



REVIEWED:

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